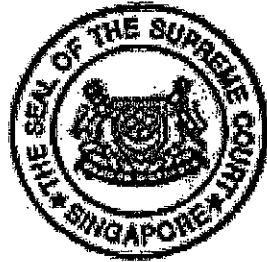


**DECLARATION OF  
SIMON STEWART DAVIDSON**

**EXHIBIT A**

Case No. : ADM142/2007/Y  
Document No. : SUMB77/2008 / N  
Date Of Filing : 25/01/2008  
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Date of Hearing : 15/02/2008  
Time of Hearing : 10:00  
Attend Before : Judge/Registrar



Mrs Koh Juat Jong  
Registrar  
Supreme Court  
Singapore

IN THE HIGH COURT OF THE REPUBLIC OF  
SINGAPORE

ADM142/2007/Y  
Admiralty action in rem against the ship or vessel  
"BANGA BORAT"

Between

NATIONAL CREDIT AND COMMERCE  
BANK LIMITED  
ID No. not known

...Plaintiff(s)

And

THE OWNERS OF THE SHIP OR VESSEL  
"BANGA BORAT"  
(Bangladesh) LR No. 8115617

...Defendant(s)

And

SEA CONSORTIUM PTE LTD  
RC No. 197200045E

...Intervener(s)

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SUMMONS (OPEN COURT)

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TOH KIAN SING, S.C.  
TAN CHUAN BING KENDALL  
RAJAH & TANN LLP  
4 BATTERY ROAD  
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BANK OF CHINA BUILDING  
Singapore 049908  
TEL:65353600  
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Ref: TKS/KTB/237904-24

Filed this 25th day of January 2008

**IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

Admiralty in Rem )  
No. 142 of 2007/Y )

Admiralty action in Rem against the ship or  
vessel "BANGA BORAT" (IMO NO.  
8115617)

Between

**NATIONAL CREDIT AND COMMERCE  
BANK LIMITED (ID NOT AVAILABLE)**

... Plaintiffs

And

**THE OWNERS OF THE SHIP OR  
VESSEL "BANGA BORAT" (IMO NO.  
8115617)**

... Defendants

And

**SEA CONSORTIUM PTE LTD (RC NO.  
197200045E)**

... Interveners

**SUMMONS (OPEN COURT)**

LET ALL PARTIES attend before the Judge on the FRIDAY day <sup>15th</sup> of  
FEB 2008 at 10.00 a.m. / p.m. on the hearing of an application on the part  
of the Interveners for the following orders:

1. That the time for service of this Summons be abridged, if necessary.
2. That the priority of claims against the proceeds of sale of the ship or vessel "Banga Borat" including her bunkers and lubricants on board (sold pursuant to the Order of Court for Judicial Sale made herein on 17 October 2007), standing in the principal sum of S\$7,247,420.96 (as at 19 December 2007) plus any interest earned thereon, be determined in the order as follows:
  - (a) the Sheriff's commission and expenses in and about the arrest and judicial sale of the vessel;
  - (b) any judgment given in favour of the Plaintiffs in this action in its claim as the mortgagee of the vessel;
  - (c) the Interveners' claims for outstanding amounts (as specified below) for which the Defendants were adjudged liable to the Interveners as follows:
    - (i) the Singapore dollar equivalent of US\$ 2,497,097.77 (United States dollars two million four hundred ninety-seven thousand ninety-seven and cents seventy-seven), pursuant to the

Judgment of this Court dated 11 July 2007 in Originating Summons No. 546 of 2007/J in favour of the Interveners, pursuant to which Writ of Seizure & Sale No. 25 of 2007/Q was executed against the vessel on 13 July 2007;

- (ii) the Singapore dollar equivalent of the interest accrued on the sum of US\$ 2,497,097.77 at the adjudged compound rate from 14 December 2007 till the date of payment, pursuant to the Judgment of this Court dated 9 July 2007 in Originating Summons No. 858 of 2007/S in favour of the Interveners, pursuant to which Writ of Seizure & Sale No. 26 of 2007/V was executed against the vessel on 13 July 2007;
  
- (iii) the Singapore dollar equivalent of US\$ 1,065,321.80 (United States dollars one million sixty-five thousand three hundred and twenty one and cents eighty), with costs as adjudged and interest accrued on the sum of US\$ 1,065,321.80 at the adjudged compound rate from 27 December 2007 till the date of payment, pursuant to the Judgment of this Court dated 27 December 2007 in Originating Summons No. 1742 of 2007/M, in favour of the Interveners;

- (iv) the Singapore dollar equivalent of £ 3,500, pursuant to an order of the English High Court of Justice, Queen's Bench Division, Commercial Court made on 10 July 2006 in respect of the Interveners' application under section 18 of the English Arbitration Act in Claim No. 2006 Folio 80, whereby the Defendants were ordered to pay the Interveners' costs of the application fixed at £ 3,500; and
- (v) the Singapore dollar equivalent of £ 13,500, pursuant to an order of the English High Court of Justice, Queen's Bench Division, Commercial Court made on 26 June 2007 in respect of the Defendants' applications under sections 67 and 69 of the English Arbitration Act in Claim No. 2007 Folio 513 and the Interveners' cross-application under section 69 of the Act in Claim No. 2007 Folio 620, ordering (inter alia) that the Defendants were to pay the Interveners' costs of the proceedings fixed at £ 13,500.

3. That a sum to be determined by the Court be retained from the proceeds of sale for the purpose of securing the Plaintiffs' alleged claim in this action

pending its adjudication, inclusive of any and all claims for interest and costs, on the basis that the alleged claim (if successful) bears higher priority than the Interveners' claims.

4. That there be payment out of the proceeds of sale of the vessel as follows:

(a) to the Sheriff, such further or other sum (if any) being additional Sheriff's commission or expenses in and about judicial sale of the vessel over and above the sum already paid to the Sheriff by deduction from the proceeds of sale on 18 / 19 December 2007;

(b) to Rajah & Tann LLP, the Interveners' solicitors, the balance of the proceeds remaining (after payment of such sum, if any, under paragraph 4 (a) and providing for the sum been retained by this Court under paragraph 3), in full or partial satisfaction of the Interveners' claims under paragraph 2 (c) above.

5. That there be liberty to all parties to apply.

6. The Interveners' costs of and incidental to this application herein be fixed, agreed and/or taxed and paid out of the proceeds of sale of the Vessel to the

Intervenors' solicitors, Rajah & Tann, in priority to all other claims except the Sheriff's costs and expenses.

The grounds of the application are stated in the 5<sup>th</sup> and 6<sup>th</sup> affidavits of Dirk M. Janssen filed in support hereof.

Dated this 21 day of January 2008

Entered No 377 of 2008 /N

Clerk IRENE NG



REGISTAR

This Summons is taken out by Rajah & Tann LLP of 4 Battery Road #26-01 Bank of China Building, Singapore 049908, solicitors for the Intervenors.

To: (1) The Sheriff  
Supreme Court of Singapore  
  
(2) The Defendants and/or their solicitors  
Tan Oei & Oei LLC  
18 Cross Street  
#07-05 China Square Central  
Singapore 048423  
Ref: AE/CWL.L.070122

Attn: Ms Anna Oei / Ms Chen Weiling

(3) The Plaintiffs and/or their solicitors  
AsiaLegal LLC  
20 Cecil Street  
#18-01 Equity Plaza  
Singapore 049705  
Ref: TT/MC/2007082232/nur

Attn: Mr Timothy Tan / Ms Magdalene Chew